

## **REMARKS**

### **Overview**

Applicants have reviewed and considered the Office Action dated March 13, 2006 and the references cited therewith. Claims 3, 6, 9, 11, 13, 15 and 20-24 are currently pending in the present application. Applicants have amended claims 3, 9, 11, and 13 to recite “by performing an insulin receptor activity assay” to expedite prosecution. Support for these amendments can be found in the PCT/CA00/00605 application at page 4, lines 15-17 and at page 10, lines 21-23. No new matter has been added. Applicants respectfully submit that the claims are in form for allowance.

### **Claim Rejections Under 35 U.S.C. § 101**

Claims 3, 6, 9, 11, 13, 15, and 20-24 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

The Examiner states there is no clear transformation of data outside of the computer that provides a tangible result of the instantly claimed method.

Applicants gratefully acknowledge the telephone interview granted by Examiner Clow in which the pending section 101 rejection was discussed. While not acquiescing to the rejection, Applicants have amended claim 3 so that it now recites “next determining whether the compound modulates insulin receptor activity by determining if the compound agonizes insulin receptor activity by performing an insulin receptor activity assay.” Support for these amendments can be found in the PCT/CA00/00605 application at page 4, lines 15-17 and at page 10, lines 21-23. Claims 9, 11, and 13 have been similarly amended. Applicants believe that the method claims 3, 9, 11, and 13 produce a useful, concrete and tangible result as required by section 101.

Accordingly, Applicants respectfully submit that claims 3, 6, 9, 11, 13, 15, and 20-24 are in condition for allowance.

### **Conclusion**

Please charge Deposit Account No. 26-0084 the amount of \$60.00 for a one-month extension of time from June 13, 2006 to July 13, 2006. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

If anything further is necessary to place this application in condition for allowance, for example, an Examiner's amendment, Applicants respectfully request that the Examiner contact the undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink that reads "Janae E. Lehman Bell". The signature is fluid and cursive, with the first name "Janae" being the most prominent.

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